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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

HEAVENLY VISION CHRISTIAN CENTER INC.,

Chapter 11  
Case No.: 15-13035-SCC

Debtor.  
-----X

**DEBTOR'S APPLICATION TO EMPLOY MALTZ AUCTIONS, INC.  
AS REAL ESTATE BROKER TO SELL THE DEBTOR'S INTEREST  
IN CERTAIN REAL PROPERTY**

Heavenly Vision Christian Center Inc., the debtor and debtor in possession (the "Debtor"), by its attorneys, LaMonica Herbst & Maniscalco, LLP, hereby seeks the entry of an Order authorizing the retention of Maltz Auctions Inc. ("Maltz") as real estate broker to the Debtor, under 11 U.S.C. § 327(a) and Rule 2014 of the Federal Rules of Bankruptcy Procedure, to market and sell the Debtor's interest in the vacant real property known as, and located at, 2009 Sedgwick Avenue, New York, New York, designated as Block 3230 and Lots 33 and 35 (the "Property"), and respectfully sets forth the following:

**BACKGROUND**

1. On November 13, 2015 (the "Petition Date"), the Debtor filed a voluntary petition for reorganization under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") with the United States Bankruptcy Court for the Southern District of New York.

2. The Debtor continues to operate and manage its properties and affairs as a debtor in possession pursuant to Bankruptcy Code §§ 1107 and 1108.

3. No trustee or examiner has been appointed and no committee of unsecured creditors has been formed.

**REQUEST FOR RELIEF**

4. The Debtor owns the Property in fee simple. The Property is vacant land that is available for development.

5. The Debtor believes that the retention of a real estate broker is in the best interest of the Debtor's estate in order to sell the Property rapidly and in an efficient manner. The Debtor submits that the retention of Maltz as the broker will assist the Debtor in obtaining the highest and best offer for the Property for the benefit of the estate and its creditors. Maltz has extensive experience and expertise in selling similar property.

6. To the best of the Debtor's knowledge, information and belief, Maltz has no connection with the Debtor's creditors or with any other party in interest herein, their attorneys or accountants. Upon the annexed affidavit of Richard B. Maltz (the "Affidavit"), Maltz represents that it has no adverse interest to the Debtor's estate and will provide valuable services for the Debtor in connection with the sale of the Property.

7. Maltz has agreed to accept commissions in the form of a buyer's premium in the amount of six percent (6%) of the gross sales price of the Property, which amount shall be added to the amount of the sales price and payable by the purchaser of the Property. In such event, no reimbursement of expenses shall be sought by Maltz.

8. To the extent that the successful purchaser is represented by a licensed third-party real estate broker who pre-registers with Maltz, that licensed third-party real estate broker will be

entitled to one third (1/3) of Maltz's six percent (6%) buyer's premium. In such event, Maltz shall be entitled to seek reimbursement of expenses.

9. In the event the Property is sold to the prospect which the Debtor previously disclosed to Maltz, no commission or reimbursement of expenses shall be due to Maltz.

10. All payments to Maltz shall be paid only upon application and further Order of the Court, which shall be on notice to all known creditors of this estate and the Office of the United States Trustee.

11. No prior application has been made to this or any other Court for the relief requested herein.

12. For all of the foregoing reasons, the Debtor believes that the retention of Maltz as real estate broker to the Debtor is in the best interest of the estate and its creditors, and should be approved by the Court.

**WHEREFORE**, the Debtor requests that this Court enter an order authorizing the Debtor's employment of Maltz as real estate broker on the terms and conditions set forth herein.

Dated: March 18, 2016  
Wantagh, New York

**LaMONICA HERBST & MANISCALCO, LLP**  
Counsel to the Debtor

By: s/ Adam P. Wofse  
Adam P. Wofse, Esq.  
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AFFIDAVIT OF RICHARD B. MALTZ ON BEHALF OF  
MALTZ AUCTIONS, AS PROPOSED BROKER FOR THE  
CHAPTER 11 DEBTOR AND DEBTOR IN POSSESSION

STATE OF NEW YORK            )  
                                      ) ss:  
COUNTY OF SUFFOLK         )

RICHARD B. MALTZ, being duly sworn, deposes and says:

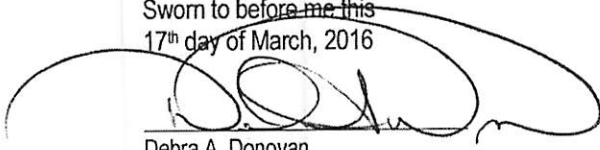
1. I am President of Maltz Auctions Inc., d/b/a Maltz Auctions (the "Firm"), a New York Corporation with offices at 39 Windsor Place, Central Islip, New York 11722. This affidavit is submitted in support of the Application of LaMonica Herbst & Maniscalco, LLP as attorneys for the Chapter 11 Debtor and Debtor in Possession, for an order authorizing them to retain the Firm as the broker to sell the real property (the Property, as defined in the Application) in this Chapter 11 case.
2. The Firm is a full service real estate brokerage, auction, appraisal, consulting, liquidation and management firm whose senior management team has been engaged in these fields for in excess of 50 combined years, with extensive experience selling the assets contemplated for sale. Richard B. Maltz is recognized by the Department of State of New York as a licensed real estate broker and the New York City Department of Consumer Affairs as a licensed auctioneer. Richard B. Maltz is recognized by the State of New York Unified Court System Office of Court Administration Services appointment processing unit as eligible to serve as auctioneer, real estate broker, receiver and appraiser. The Firm is a bonded in the Southern and Eastern Districts of New York and the requisite bond is on file with the Office of the United States Trustee for this District.
3. In preparing this Affidavit of Disinterest, I used a set of procedures developed by Maltz Auctions to ensure compliance with the Bankruptcy Code and the Bankruptcy Rules regarding the retention of professionals by a trustee or debtor under the Bankruptcy Code. Pursuant to such procedures, I conducted a search of Maltz Auctions client database to determine

whether Maltz Auctions had any relationships with the Debtor or its respective members as disclosed in the bankruptcy petition. I also conducted a search to determine whether Maltz Auctions is presently engaged by or on behalf of any creditors or insiders of the Debtor. No matches were found and thus this search has not identified any additional parties involved or any which might pose a potential basis for a conflict.


4. The Firm is experienced and qualified to represent the Estate in connection with his administration of the debtor's estate. The services to be rendered include all those services set forth in the Application for an Order authorizing our employment.
5. Neither I, the Firm, nor any associate or employee thereof, insofar as I have been able to ascertain, has any connection with the debtor, his creditors, or any other party in interest, or their respective attorneys and accountants, except that I, said Firm, its associates and employees: (a) may have appeared in the past, and may appear in the future, in matters unrelated to the instant case where one or more of the said parties may have been, or may be involved; and (b) may represent or may have represented certain creditors of the debtor or parties in interest in matters unrelated to this case.
6. Neither I, the Firm, nor any associate or employee thereof, insofar as I have been able to ascertain, holds or represents any interest adverse to that of the estate in the matters upon which said Firm is to be engaged, and I believe the Firm to be a "disinterested person" within the meaning of section 101 (14) of title 11, United States Code (Bankruptcy Code").
7. I have advised the Debtor and Debtor in Possession of this Firm's willingness to serve as his broker and accept compensation in the form of a 6% buyer's premium, adding this amount to the high bid to reflect the total purchase price which will then be paid by the successful bidder. The Firm shall be compensated in full via the buyer's premium and shall not be entitled to a reimbursement of expenses.
8. If the successful bidder is represented by a licensed third party real estate broker who has pre-registered in accordance with the Firm's registration process, said real estate broker shall be entitled to one third of the Firm's buyer's premium.
9. In the event the Property (as defined in the Application) is sold to the prospect which the Debtor has previously disclosed to the Firm, no commission or reimbursed expenses shall be due the Firm.

10. The Firm agrees that the commissions sought are subject to approval by the United States Bankruptcy Court of the Southern District of New York.
11. To the best of my knowledge, information and belief, the Firm has not entered into any agreement prohibited by section 155 of title 18 of the United States Code or Federal Rule of Bankruptcy Procedure 2016 (b).
12. I have read the application for an order approving the retention of the Firm as auctioneer/broker accompanying this affidavit and, to the best of my knowledge, information, and belief, the contents of said application are true and correct.

Sworn to before me this  
17<sup>th</sup> day of March, 2016



Debra A. Donovan  
Notary Public of New York  
No. 01DO6003880  
Qualified in Suffolk County  
Commission Expires March 9, 2018



Maltz Auctions, Inc.  
By Richard B. Maltz, President